

HB0363S01 compared with HB0363

~~{deleted text}~~ shows text that was in HB0363 but was deleted in HB0363S01.

Inserted text shows text that was not in HB0363 but was inserted into HB0363S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brian M. Greene proposes the following substitute bill:

FIREARMS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to statutes regarding concealed firearm~~{permits}~~, background checks~~{, and fees}~~.

Highlighted Provisions:

This bill:

- ~~{~~ → changes certain fees for a concealed firearm permit and renewal;
- authorizes a fee for a non-criminal justice related fingerprint card;
- requires the bureau to refund certain fees;
- ‡ ▶ eliminates the ~~{state}~~state's performance of the federal background check requirement for a firearm purchase;
- ▶ requires the bureau to provide a report to the National Instant Criminal Background Check System of persons restricted from purchasing or possessing firearms under

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state or federal law; and

- ▶ makes technical and conforming ~~{corrections}~~ amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- ~~{~~ ~~53-5-706~~, as last amended by Laws of Utah 2017, Chapter 286
- ~~53-5-707~~, as last amended by Laws of Utah 2017, Chapter 286
- ~~53-5-707.5~~, as enacted by Laws of Utah 2017, Chapter 286
- ~~53-10-108~~, as last amended by Laws of Utah 2015, Chapters 255 and 389
- ~~}~~ ~~53-10-202~~, as last amended by Laws of Utah 2017, Chapter 296
- ~~53-10-202.5~~, as last amended by Laws of Utah 2017, Chapter 286
- ~~76-10-526~~, as last amended by Laws of Utah 2014, Chapter 226

Be it enacted by the Legislature of the state of Utah:

Section 1. Section ~~{53-5-706}~~ 53-10-202 is amended to read:

- ~~{~~ ~~53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.~~
- ~~53-5-706.5~~ (1) (a) Except as provided in Subsection (2), the fingerprints of each applicant shall be taken on a form prescribed by the bureau.
- ~~53-5-707~~ (b) Upon receipt of the fingerprints, the fee prescribed in Subsection 53-10-108(15)(a)(i), and the fee prescribed in Section 53-5-707 or 53-5-707.5, the bureau shall conduct a search of its files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through its files.
- ~~53-5-707.5~~ (c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of its files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.
- ~~53-10-108~~ (2) (a) If the permit applicant has previously applied to the bureau for a permit to carry concealed firearms, the bureau shall note the previous identification numbers and other data

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~~which would provide positive identification in the files of the bureau on the copy of any subsequent permit submitted to the bureau in accordance with this section.~~

~~—— (b) No additional application form, fingerprints, or fee are required under this Subsection (2).~~

~~—— (3) On or before July 1, 2018, the bureau shall refund all fees that were collected under Subsection 53-10-108(15)(a)(i) from August 1, 2017, through May 8, 2018.~~

~~—— Section 2. Section 53-5-707 is amended to read:~~

~~—— **53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.**~~

~~—— (1) (a) An applicant for a concealed firearm permit shall pay a fee of [\$24.75] \$20 at the time of filing an application.~~

~~—— (b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.~~

~~—— (c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under Section 53-13-103.~~

~~—— (d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.~~

~~—— (2) The renewal fee for the permit is [\$15] \$20.~~

~~—— (3) The replacement fee for the permit is \$10.~~

~~—— (4) (a) The late fee for the renewal permit is \$7.50.~~

~~—— (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.~~

~~—— (5) (a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."~~

~~—— (b) The account shall be funded from fees collected under this section and Section 53-5-707.5.~~

~~—— (c) Funds in the account shall be used to cover costs relating to the issuance of concealed firearm permits under this part and may not be used for any other purpose.~~

~~—— (6) (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.~~

~~—— [(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the~~

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~~nearest even dollar amount to that total.]~~

~~——— [(c)] (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.~~

~~——— (7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section and Section 53-5-707.5.~~

~~——— Section 3. Section 53-5-707.5 is amended to read:~~

~~——— **53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees:**~~

~~——— (1) (a) An applicant for a provisional concealed firearm permit, as described in Section 53-5-704.5, shall pay a fee of [\$24.75] \$20 at the time of filing an application.~~

~~——— (b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.~~

~~——— (2) The replacement fee for the permit is \$10.~~

~~——— (3) Fees collected under this section shall be remitted to the Concealed Weapons Account, as described in Subsection 53-5-707(5).~~

~~——— (4) (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.~~

~~——— [(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that the total of the fee under Subsection (1)(a) and the fee under Subsection (4)(a) is the nearest even dollar amount to that total.]~~

~~——— [(c)] (b) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the appropriate agency.~~

~~——— Section 4. Section 53-10-108 is amended to read:~~

~~——— **53-10-108. Restrictions on access, use, and contents of division records -- Limited use of records for employment purposes -- Challenging accuracy of records -- Usage fees -- Missing children records -- Penalty for misuse of records.**~~

~~——— (1) As used in this section:~~

~~——— (a) "FBI Rap Back System" means the rap back system maintained by the Federal Bureau of Investigation.~~

~~——— (b) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints~~

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~~are registered in the system.~~

~~—— (c) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.~~

~~—— (2) Dissemination of information from a criminal history record or warrant of arrest information from division files is limited to:~~

~~—— (a) criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies;~~

~~—— (b) noncriminal justice agencies or individuals for any purpose authorized by statute, executive order, court rule, court order, or local ordinance;~~

~~—— (c) agencies or individuals for the purpose of obtaining required clearances connected with foreign travel or obtaining citizenship;~~

~~—— (d) (i) agencies or individuals pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice; and~~

~~—— (ii) the agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, and ensure the security and confidentiality of the data;~~

~~—— (e) agencies or individuals for the purpose of a preplacement adoptive study, in accordance with the requirements of Sections 78B-6-128 and 78B-6-130;~~

~~—— (f) (i) agencies and individuals as the commissioner authorizes for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; and~~

~~—— (ii) private security agencies through guidelines established by the commissioner for employment background checks for their own employees and prospective employees;~~

~~—— (g) a qualifying entity for employment background checks for their own employees and persons who have applied for employment with the qualifying entity; and~~

~~—— (h) other agencies and individuals as the commissioner authorizes and finds necessary for protection of life and property and for offender identification, apprehension, and prosecution pursuant to an agreement.~~

~~—— (3) An agreement under Subsection (2)(f) or (2)(h) shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of individuals to whom the information relates, and ensure the confidentiality and security of the data.~~

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~~—— (4) (a) Before requesting information under Subsection (2)(g), a qualifying entity must obtain a signed waiver from the person whose information is requested:~~

~~—— (b) The waiver must notify the signee:~~

~~—— (i) that a criminal history background check will be conducted;~~

~~—— (ii) who will see the information; and~~

~~—— (iii) how the information will be used.~~

~~—— (c) Information received by a qualifying entity under Subsection (2)(g) may only be:~~

~~—— (i) available to persons involved in the hiring or background investigation of the employee; and~~

~~—— (ii) used for the purpose of assisting in making an employment or promotion decision.~~

~~—— (d) A person who disseminates or uses information obtained from the division under Subsection (2)(g) for purposes other than those specified under Subsection (4)(c), in addition to any penalties provided under this section, is subject to civil liability.~~

~~—— (e) A qualifying entity that obtains information under Subsection (2)(g) shall provide the employee or employment applicant an opportunity to:~~

~~—— (i) review the information received as provided under Subsection (9); and~~

~~—— (ii) respond to any information received.~~

~~—— (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to implement this Subsection (4).~~

~~—— (g) The division or its employees are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsection (2)(g).~~

~~—— (5) (a) Any criminal history record information obtained from division files may be used only for the purposes for which it was provided and may not be further disseminated; except under Subsection (5)(b), (c), or (d).~~

~~—— (b) A criminal history provided to an agency pursuant to Subsection (2)(c) may be provided by the agency to the person who is the subject of the history, another licensed child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an adoption.~~

~~—— (c) A criminal history of a defendant provided to a criminal justice agency under Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel;~~

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~~upon request during the discovery process, for the purpose of establishing a defense in a criminal case:~~

~~—— (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that is under contract with a state agency to provide services may, for the purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to the state agency or the agency's designee:~~

~~—— (6) The division may not disseminate criminal history record information to qualifying entities under Subsection (2)(g) regarding employment background checks if the information is related to charges:~~

~~—— (a) that have been declined for prosecution;~~

~~—— (b) that have been dismissed; or~~

~~—— (c) regarding which a person has been acquitted.~~

~~—— (7) (a) This section does not preclude the use of the division's central computing facilities for the storage and retrieval of criminal history record information:~~

~~—— (b) This information shall be stored so it cannot be modified, destroyed, or accessed by unauthorized agencies or individuals:~~

~~—— (8) Direct access through remote computer terminals to criminal history record information in the division's files is limited to those agencies authorized by the commissioner under procedures designed to prevent unauthorized access to this information:~~

~~—— (9) (a) The commissioner shall establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report:~~

~~—— (b) A processing fee for the right of access service, including obtaining a copy of the individual's criminal history report under Subsection (9)(a) is \$15. This fee remains in effect until changed by the commissioner through the process under Section 63J-1-504:~~

~~—— (c) (i) The commissioner shall establish procedures for an individual to challenge the completeness and accuracy of criminal history record information contained in the division's computerized criminal history files regarding that individual:~~

~~—— (ii) These procedures shall include provisions for amending any information found to be inaccurate or incomplete:~~

~~—— (10) The private security agencies as provided in Subsection (2)(f)(ii):~~

~~—— (a) shall be charged for access; and~~

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~~—— (b) shall be registered with the division according to rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~—— (11) Before providing information requested under this section, the division shall give priority to criminal justice agencies needs.~~

~~—— (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.~~

~~—— (b) A person who discovers or becomes aware of any unauthorized use of records created or maintained, or to which access is granted by the division shall inform the commissioner and the director of the Utah Bureau of Criminal Identification of the unauthorized use.~~

~~—— (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in Subsection (2)(b) may request that the division register fingerprints taken for the purpose of conducting current and future criminal background checks under this section with:~~

~~—— (i) the WIN Database rap back system, or any successor system;~~

~~—— (ii) the FBI Rap Back System; or~~

~~—— (iii) a system maintained by the division.~~

~~—— (b) A qualifying entity or an entity described in Subsection (2)(b) may only make a request under Subsection (13)(a) if the entity:~~

~~—— (i) has the authority through state or federal statute or federal executive order;~~

~~—— (ii) obtains a signed waiver from the individual whose fingerprints are being registered; and~~

~~—— (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives notifications for individuals with whom the entity maintains an authorizing relationship.~~

~~—— (14) The division is authorized to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches.~~

~~—— (15) (a) [(i)] The fee for a non-criminal justice applicant:~~

~~—— (i) fingerprint card [fee under Subsection (2) is \$20.] is \$15; and~~

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~~—— (ii) [The] name check [fee under Subsection (2)] is \$15.~~

~~—— [(iii)] (b) The fee to register fingerprints under Subsection (13)(a)(i) is \$5.~~

~~—— [(iv)] (c) The fees described in this Subsection (15)[(a)] remain in effect until changed by the division through the process under Section 63J-1-504.~~

~~—— [(b)] (d) Funds generated under this Subsection (15) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in providing the information.~~

~~—— [(c)] (e) The division may collect fees charged by an outside agency for services required under this section.~~

~~—— Section 5. Section 53-10-202 is amended to read:~~

‡ 53-10-202. Criminal identification -- Duties of bureau.

The bureau shall:

(1) procure and file information relating to identification and activities of persons who:

(a) are fugitives from justice;

(b) are wanted or missing;

(c) have been arrested for or convicted of a crime under the laws of any state or nation;

and

(d) are believed to be involved in racketeering, organized crime, or a dangerous

offense;

(2) establish a statewide uniform crime reporting system that shall include:

(a) statistics concerning general categories of criminal activities;

(b) statistics concerning crimes that exhibit evidence of prejudice based on race,

religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; and

(c) other statistics as required by the Federal Bureau of Investigation;

(3) make a complete and systematic record and index of the information obtained under this part;

(4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;

(5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;

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(6) establish a statewide central register for the identification and location of missing persons, which may include:

(a) identifying data including fingerprints of each missing person;

(b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction;

(c) dates and circumstances of any persons requesting or receiving information from the register; and

(d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;

(7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;

(8) list the name of every missing person with the appropriate nationally maintained missing persons lists;

(9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;

(10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;

(11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;

(12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement;

(13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520;

(14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5;

(15) check certain criminal records databases for information regarding driving

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privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security when new entries are made in accordance with the requirements of Section 53-3-205.5.

(16) review and approve or disapprove applications for license renewal that meet the requirements for renewal;

(17) forward to the board those applications for renewal under Subsection (16) that do not meet the requirements for renewal; ~~[and]~~

(18) within funds appropriated by the Legislature for the purpose, implement and manage the operation of firearm safety and suicide prevention education programs, in conjunction with the state suicide prevention coordinator, as described in this section and Section 62A-15-1101, including:

(a) coordinating with the Department of Health, local mental health and substance abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to:

(i) produce a firearm safety brochure with information about the safe handling and use of firearms that includes:

(A) rules for safe handling, storage, and use of firearms in a home environment;

(B) information about at-risk individuals and individuals who are legally prohibited from possessing firearms;

(C) information about suicide prevention and awareness; and

(D) information about the availability of firearm safety packets;

(ii) procure cable-style gun locks for distribution pursuant to this section;

(iii) produce a firearm safety packet that includes both the firearm safety brochure described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection (18)(a)(ii); and

(iv) create a suicide prevention education course that:

(A) provides information that includes posters for display and pamphlets or brochures for distribution regarding firearm safety education;

(B) incorporates current information on how to recognize suicidal behaviors and

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identify persons who may be suicidal;

(C) provides information regarding crisis intervention resources; and

(D) provides continuing education in the area of suicide prevention;

(b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the firearm safety packet available free of charge:

(i) health care providers, including emergency rooms;

(ii) mental health practitioners;

(iii) other public health suicide prevention organizations;

(iv) entities that teach firearm safety courses; and

(v) school districts for use in the seminar, described in Section 53A-15-1302, for parents of students in the school district;

(c) creating and administering a redeemable coupon program described in this section and Section 76-10-526, that may include:

(i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase of a gun safe from a participating federally licensed firearms dealer, as defined in Section 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;

(ii) advertising the redeemable coupon program to all federally licensed firearms dealers and maintaining a list of dealers who wish to participate in the program;

(iii) printing or writing the name of a Utah resident who has filed an application for a concealed firearm permit on the redeemable coupon;

(iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents who have filed an application for a concealed firearm permit; and

(v) collecting from the participating dealers receipts described in Section 76-10-526 and reimbursing the dealers;

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making rules that establish procedures for:

(i) producing and distributing the firearm safety brochures and packets;

(ii) procuring the cable-style gun locks for distribution; and

(iii) administering the redeemable coupon program; and

(e) reporting to the Law Enforcement and Criminal Justice Interim Committee regarding implementation and success of the firearm safety program:

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(i) during the 2016 interim, before November 1; and

(ii) during the 2018 interim, before June 1[:]; and

(19) regularly and timely provide to the United States attorney general, for inclusion in the National Instant Criminal Background Check System, identifying information on persons who, by reason of adjudication by the state, are disqualified from possessing or receiving a firearm under Section 76-10-503 or federal law.

Section ~~(6)~~2. Section **53-10-202.5** is amended to read:

53-10-202.5. Bureau services -- Fees.

The bureau shall collect fees for the following services:

- (1) [applicant] fingerprint card as determined by Section 53-10-108;
- (2) bail enforcement licensing as determined by Section 53-11-115;
- (3) concealed firearm permit as determined by Section 53-5-707;
- (4) provisional concealed firearm permit as determined by Section 53-5-707.5;
- (5) application for and issuance of a certificate of eligibility for expungement as

determined by Section 77-40-106;

~~[(6) firearm purchase background check as determined by Section 76-10-526;]~~

~~[(7)]~~ (6) name check as determined by Section 53-10-108;

~~[(8)]~~ (7) private investigator licensing as determined by Section 53-9-111; and

~~[(9)]~~ (8) right of access as determined by Section 53-10-108.

Section ~~(7)~~3. Section **76-10-526** is amended to read:

76-10-526. Criminal background check prior to purchase of a firearm.

(1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued under Section 53-5-705.

(2) (a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.

(b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (2).

~~[(3) (a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.]~~

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(3) A dealer may not sell or transfer a firearm to an individual until the dealer has conducted a background check of the individual in accordance with 27 C.F.R. Sec. 478.102.

~~[(b)]~~ (4) Subsection (3)[(a)] does not apply to the sale or transfer of a firearm to:

(a) a Federal Firearms Licensee[-]; or

(b) an individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, if:

(i) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and

(ii) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.

~~[(4)(a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau:]~~

~~[(b) The form shall contain the following information:]~~

~~[(i) the dealer identification number;]~~

~~[(ii) the name and address of the individual receiving the firearm;]~~

~~[(iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and]~~

~~[(iv) the Social Security number or any other identification number of the individual receiving the firearm.]~~

~~[(5)(a) The dealer shall send the information required by Subsection (4) to the bureau immediately upon its receipt by the dealer.]~~

~~[(b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (4) and has received approval from the bureau under Subsection (7).]~~

~~[(6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.]~~

~~[(7) When the dealer calls for or requests a criminal history background check, the bureau shall:]~~

~~[(a) review the criminal history files, including juvenile court records, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or~~

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federal law;]

~~[(b) inform the dealer that;]~~

~~[(i) the records indicate the individual is prohibited; or]~~

~~[(ii) the individual is approved for purchasing, possessing, or transferring a firearm;]~~

~~[(c) provide the dealer with a unique transaction number for that inquiry; and]~~

~~[(d) provide a response to the requesting dealer during the call for a criminal~~

~~background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.]~~

~~[(8)(a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.]~~

~~[(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.]~~

~~[(9) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.]~~

~~[(10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.]~~

~~[(11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).]~~

~~[(12)(a)(i) A dealer shall collect a criminal history background check fee of \$7.50 for the sale of a firearm under this section.]~~

~~[(ii) This fee remains in effect until changed by the bureau through the process under Section 63J-1-504.]~~

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~~[(b) (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.]~~

~~[(ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.]~~

~~[(13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:]~~

~~[(a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and]~~

~~[(b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.]~~

~~[(14) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification. This section may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.]~~

~~[(15)]~~ (5) (a) A dealer may participate in the redeemable coupon program described in this Subsection ~~[(15)]~~ (5) and Subsection 53-10-202(18).

(b) A participating dealer shall:

(i) accept the redeemable coupon only from the individual whose name is on the coupon and apply it only toward the purchase of a gun safe;

(ii) collect the receipts from the purchase of gun safes using the redeemable coupon and send them to the Bureau of Criminal Identification for redemption; and

(iii) make the firearm safety brochure described in Subsection 53-10-202(18) available to customers free of charge.

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~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel,~~